

United States District Court  
WESTERN DISTRICT OF TENNESSEE

JUDGMENT IN A CIVIL CASE

TIMOTHY SHANE HIXSON,  
Plaintiff,

v.

CASE NUMBER: 14-1087-JDT-cgc

STATE OF TENNESSEE, ET AL.,  
Defendants,

**Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that in compliance with the order entered in the above-styled matter on 3/24/2017, the Court GRANTS Defendants' motion for summary judgment. It is CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal in this matter by Plaintiff would not be taken in good faith. A certification that an appeal is not taken in good faith does not affect an indigent prisoner plaintiff's ability to take advantage of the installment procedures contained in § 1915(b). See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013). *McGore* sets out specific procedures for implementing the PLRA, 28 U.S.C. § 1915(a)-(b). Therefore, the Plaintiff is instructed that if he wishes to take advantage of the installment procedures for paying the appellate filing fee, he must comply with the procedures set out in *McGore* and § 1915(a)(2) by filing an updated *in forma pauperis* affidavit and a current, certified copy of his inmate trust account for the six months immediately preceding the filing of the notice of appeal.

**APPROVED:**

s/James D. Todd  
JAMES D. TODD  
U.S. DISTRICT JUDGE

THOMAS M. GOULD  
CLERK

BY: S/Shurlyn Chernenko  
DEPUTY CLERK